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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Andorra,* Argentina,* Australia,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Chile,* Croatia, Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* France,* Georgia, Germany, Hungary, Iceland,* Israel,* Italy,* Latvia, Liechtenstein,* Luxembourg,* Malta,* Mexico,* Monaco,* Montenegro,* Netherlands, Norway,* Paraguay, Peru,* Philippines, Poland,* Portugal, Republic of Moldova,* Romania,* Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, the former Yugoslav Republic of Macedonia,* Ukraine,* Uruguay:* draft resolution

35/... Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission on Human Rights resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Welcoming the universal ratification of the Geneva Conventions of 12 August 1949, which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

* State not a member of the Human Rights Council

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Mindful of all relevant General Assembly, Human Rights Council and Commission on Human Rights resolutions on extrajudicial, summary or arbitrary executions, in particular Commission resolution 2004/37 of 19 April 2004, Council resolutions 8/3 of 18 June 2008, 17/5 of 16 June 2011 and 26/12 of 26 June 2014 and Assembly resolutions 61/173 of 19 December 2006, 65/208 of 21 December 2010, 67/168 of 20 December 2012, 69/182 of 18 December 2014 and 71/198 of 19 December 2016,

Acknowledging that extrajudicial, summary or arbitrary executions are crimes under the Rome Statute of the International Criminal Court,

Convinced of the need for effective action to combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the inherent right to life,

Dismayed that, in a number of countries, impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions,

1. *Strongly condemns once again* all extrajudicial, summary or arbitrary executions, in all their forms, that continue to take place throughout the world;

2. *Acknowledges* the importance of relevant special procedures of the Human Rights Council, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, in their key role as early warning mechanisms in preventing the crime of genocide, crimes against humanity and war crimes, and encourages the relevant special procedures, within their mandates, to cooperate towards this end;

3. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

4. *Reiterates* the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and to bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the recurrence of such executions, as stated in the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions;

5. *Welcomes* the work of the Special Rapporteur on extrajudicial, summary or arbitrary executions, and notes with appreciation the thematic reports presented to the Human Rights Council during his and her mandate on the use of information and communications technologies to secure the right to life,[1] on the right to life and the use of force by private security providers in law enforcement contexts[2] and on a gender-sensitive

[1] A/HRC/29/37.
[2] A/HRC/32/39.

approach to arbitrary killings,[3] and invites States to give due consideration to the conclusions and recommendations given therein;

6. *Commends* the important role that the Special Rapporteur plays towards eliminating extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within the framework of his or her mandate, to collect information from all concerned, to respond effectively to information that comes before him or her, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in the elaboration of his or her reports;

7. *Requests* the Special Rapporteur, in carrying out his or her mandate:

(*a*) To continue to examine situations of extrajudicial, summary or arbitrary executions in all circumstances and for whatever reason, and to submit his or her findings on an annual basis, together with conclusions and recommendations, to the Human Rights Council and the General Assembly, and to draw the attention of the Council to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(*b*) To continue to draw the attention of the United Nations High Commissioner for Human Rights to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(*c*) To respond effectively to information that comes before him or her, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

(*d*) To enhance further his or her dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(*e*) To continue to monitor the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(*f*) To apply a gender perspective in his or her work;

8. *Urges* States:

(*a*) To cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to supply all necessary information requested by him or her and to react appropriately and expeditiously to his or her urgent appeals, and those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to do so without further delay;

(*b*) To give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries;

(*c*) To ensure appropriate follow-up to the recommendations and conclusions of the Special Rapporteur, including by providing information to the Special Rapporteur on the actions taken on those recommendations;

9. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

[3] A/HRC/35/23.

10. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources in order to enable him or her to carry out the mandate effectively, including through country visits;

11. *Decides* to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years;

12. *Also decides* to continue to consider this matter in conformity with its programme of work.